

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KENT PORTER, SR., and COWLITZ
INDIANS, et al.,

Plaintiff,

v.

JOAN ORTEZ, et al.,

Defendants.

No. C04-5832RBL

ORDER DENYING
PLAINTIFF'S MOTION
FOR APPOINTMENT OF
COUNSEL

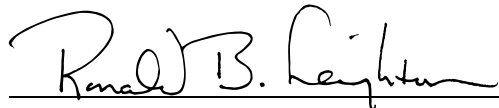
This matter is before the court on Plaintiff's Motion for the Appointment of Counsel, presumably under 42 U.S.C. §1915 [Dkt. #30]. The Plaintiff's claims in this case are difficult, if not impossible, to discern. It appears that he claims the defendants wrongfully denied him rights as a member of the Cowlitz Indian Tribe, in violation of 25 U.S.C. §1301 et seq., a variety of other federal law, and the Constitutions of the United States and the Cowlitz Tribe. He alleges violation of his federal due process and equal protection rights, the infliction of emotional distress, and similar claims.

Under 28 U.S.C. § 1915(e)(1), the court may request an attorney to represent any person unable to afford counsel. Under Section 1915, the court may appoint counsel in exceptional circumstances. *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984). To find exceptional circumstances, the court must evaluate the likelihood of success on the merits and the ability of the petitioner to articulate the claims

1 pro se in light of the complexity of the legal issues involved. *Weygandt v. Look*, 718 F.2d 952, 954 (9th
2 Cir. 1983).

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4 At this point, plaintiff has made no showing that his claim has merit. He has demonstrated that he
5 has difficulty articulating his pro se claim, but that alone does not establish the “exceptional circumstances”
6 necessary for the appointment of counsel. The Plaintiff’s application for appointment of counsel [Dkt.
7 #30] is therefore DENIED.

8 DATED this 28th day of November, 2005.
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12 RONALD B. LEIGHTON
13 UNITED STATES DISTRICT JUDGE
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